REMARKS

Applicant has carefully reviewed the Final Office Action mailed July 23, 2008 and offers the following remarks.

Claims 61-92 are pending. Claims 1-60 and 93-108 were previously cancelled. No claims are added or cancelled herein. Accordingly, claims 61-92 remain pending.

Claims 61-65, 67, 68, 71, 75, 77-80, 85, 87-90, and 92 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,041,311 to Chislenko et al. (hereinafter "Chislenko"). Applicant respectfully traverses. For the Patent Office to prove anticipation, each and every element of the claims must be present in the reference. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131.

Chislenko discloses an item recommendation system wherein users of the system directly or indirectly rate various items, and those ratings are stored in a user profile associated with the user (see Chislenko, col. 4, ll. 1-20). Similarity factors are calculated for each user with respect to all other users of the system based on the information in the user profiles (*Id.* at col. 5, ll. 29-37). Users with a high degree of correlation to a particular user are designated 'neighboring users' of the particular user (*Id.* at col. 7, l. 66 – col. 8, l. 18). Items are then recommended by the system to the particular user based on the ratings of the neighboring users (*Id.* at col. 9, ll. 39-48). In essence, the ratings of a group of neighboring users who have similar tastes are analyzed to provide recommendations to a user in or associated with the group of users. A playlist of any of the neighboring users is not provided to the user. This is because the recommendations are different from any of the individual playlists of the neighboring users.

In contrast to Chislenko, Applicant's claimed invention relates to comparing each of a plurality of user profiles with a target user profile of a first user associated with a media player device. Based on the comparison, a matching user profile is selected from the plurality of user profiles. A playlist of a matching user associated with the matching user profile is selected for delivery to the media player device.

Chislenko fails to teach or suggest selecting a matching user profile as required by Applicant's claimed invention. Rather, Chislenko teaches to correlate a plurality of user profiles to a particular user's profile (see Chislenko, col. 7, l. 66 – col. 8, l. 18). The Patent Office refers to col. 5, ll. 51-55 of Chislenko for support of its rejection of this limitation (see Final Office Action mailed July 23, 2008, p. 2). However, the referenced text merely discloses that similarity

factors are determined by comparing one user's profile to a plurality of other users' profiles. Nowhere does Chislenko teach or suggest selecting any of the plurality of user profiles as a matching user profile. This is because the recommendations sent to the particular user do not come from the neighboring users. Rather, the recommendations are sent for a set of items known by the system and that are rated similarly by the neighboring users (see Chislenko, col. 9, l. 62 – col. 10, l. 6). Thus, Applicant urges that Chislenko cannot anticipate Applicant's claimed invention as recited in claims 61, 78, and 89.

Chislenko further fails to teach or suggest selection of a playlist of a matching user associated with the matching user profile for delivery to the media player device, as required by Applicant's claims 61, 78, and 89. Rather, Chislenko discloses a system having a set of known items, a subset of which is recommended to the particular user as a function of the neighboring users' ratings (*Ibid.*). In direct contrast, Applicant's claim 61 requires "effecting selection of a playlist of a matching user associated with the matching user profile for delivery to the media player device." Applicant's claim 78 requires "effect[ing] delivery of a playlist of a matching user associated with the matching user profile from a server storing the playlist to the media player device." Applicant's claim 89 requires "effect[ing] selection of a playlist of the matching user from the plurality of playlists for delivery to the media player device." The Patent Office refers to col. 10, ll. 3-6 of Chislenko for support of its rejection of this limitation (see Final Office Action mailed July 23, 2008, p. 3). However, the referenced text merely discloses that a predetermined number of items known by the system can be recommended to the particular user based on the neighboring users' ratings. Applicant urges that selecting a predetermined subset of a limited number of items known to a system based on ratings of a plurality of neighboring users is vastly different from selecting a playlist of a matching user associated with a matching user profile.

For at least the foregoing reasons, Applicant urges that Chislenko fails to anticipate Applicant's claimed invention. Claims 62-65, 67, 68, 71, 75, 77, 79, 80, 85, 87, 88, 90, and 92 are dependent claims based directly or indirectly upon claims 61, 78, and 89, respectively. As such, claims 62-65, 67, 68, 71, 75, 77, 79, 80, 85, 87, 88, 90, and 92 are allowable for at least the same reasons set forth above with respect to claims 61, 78, and 89. However, Applicant reserves the right to further address the rejection of claims 61-65, 67, 68, 71, 75, 77-80, 85, 87-90, and 92 in the future, if necessary.

Claims 66, 69, 70, and 81 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chislenko in view of U.S. Patent Application Publication No. 2004/0181604 A1 to Immonen (hereinafter "Immonen"). Applicant respectfully traverses. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. If the Patent Office cannot establish obviousness, the claims are allowable. Claims 66, 69, 70, and 81 are dependent claims based directly or indirectly upon claims 61 and 78, respectively. As such, claims 66, 69, 70, and 81 are allowable for at least the same reasons set forth above with respect to claims 61 and 78. However, Applicant reserves the right to further address the rejection of claims 66, 69, 70, and 81 in the future, if necessary.

Claims 72, 82, and 91 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chislenko in view of U.S. Patent Application Publication No. 2005/0165888 A1 to Elliott (hereinafter "Elliott"). Applicant respectfully traverses. The standards for obviousness are set forth above. Claims 72, 82, and 91 are dependent claims based directly or indirectly upon claims 61, 78, and 89, respectively. As such, claims 72, 82, and 91 are allowable for at least the same reasons set forth above with respect to claims 61, 78, and 89. However, Applicant reserves the right to further address the rejection of claims 72, 82, and 91 in the future, if necessary.

Claims 73 and 83 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chislenko in view of U.S. Patent Application Publication No. 2004/0078382 A1 to Mercer et al. (hereinafter "Mercer"). Applicant respectfully traverses. The standards for obviousness are set forth above. Claims 73 and 83 are dependent claims based directly or indirectly upon claims 61 and 78, respectively. As such, claims 73 and 83 are allowable for at least the same reasons set forth above with respect to claims 61 and 78. However, Applicant reserves the right to further address the rejection of claims 73 and 83 in the future, if necessary.

Claims 74 and 84 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chislenko in view of U.S. Patent Application Publication No. 2004/0162830 A1 to Shirwadkar et al. (hereinafter "Shirwadkar"). Applicant respectfully traverses. The standards for obviousness are set forth above. Claims 74 and 84 are dependent claims based directly or indirectly upon claims 61 and 78, respectively. As such, claims 74 and 84 are allowable for at least the same reasons set forth above with respect to claims 61 and 78. However, Applicant reserves the right to further address the rejection of claims 74 and 84 in the future, if necessary.

Claims 76 and 86 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chislenko in view of U.S. Patent Application Publication No.2006/0256669 A1 to Sakuma et al. (hereinafter "Sakuma"). Applicant respectfully traverses. The standards for obviousness are set forth above. Claims 76 and 86 are dependent claims based directly or indirectly upon claims 61 and 78, respectively. As such, claims 76 and 86 are allowable for at least the same reasons set forth above with respect to claims 61 and 78. However, Applicant reserves the right to further address the rejection of claims 76 and 86 in the future, if necessary.

Claims 78-88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0014759 A1 to Van Stam (hereinafter "Van Stam"). Applicant respectfully traverses. The standards for obviousness are set forth above.

Van Stam discloses a plurality of client devices, such as video recording units, that each contain one or more lists that are "indicative of a user's preferences" (see Van Stam, paras. 14-18). The clients connect to a server and are grouped based on time of connection (*Id.* at para. 20). The server provides the clients the network addresses of the other clients in the group, facilitating client-to-client communication (*Ibid.*). Client A sends client B a list of items (*Id.* at para. 24). Client B compares the list to client B's list of items (*Id.* at para. 25). If the list from client A is similar to the list from client B, client B can inform client A that an interest exists, and client A may seek a larger list of items from client B (*Id.* at paras. 28-30). Client A can use the larger list to make recommendations to a user of client A (*Ibid.*).

Van Stam fails to teach or suggest "compar[ing] each of a plurality of user profiles with a target user profile of a first user associated with the media player device to select a matching user profile from the plurality of user profiles," as required by Applicant's claim 78. At most, Van Stam teaches comparing two lists and determining their similarities. Nowhere does Van Stam suggest the lists are user profiles, that a plurality of user profiles are compared with a target user profile, and that one of the plurality of user profiles is selected as a matching user profile, each as explicitly required by Applicant's claim 78. Rather, the lists of Van Stam are merely "indicative of a user's preferences" (*Id.* at para. 14). The Patent Office refers to paragraph 25 of Van Stam for support of its rejection of this limitation (see Final Office Action mailed July 23, 2008, p. 9). However, the referenced text merely teaches determining a similarity between two lists. Applicant respectfully submits that determining a similarity between two lists does not anticipate

comparing each of a plurality of user profiles with a target user profile of a first user associated with a media player device to select a matching user profile from the plurality of user profiles.

Van Stam fails to teach or suggest "effect[ing] delivery of a playlist of a matching user associated with the matching user profile from a server storing the playlist to the media player device," as required by Applicant's claim 78. Instead, Van Stam discloses requesting a list from a client, and using the list to make recommendations to a user (see Van Stam, para. 30). Nowhere does Van Stam teach or disclose that the list comprises a playlist, or that a playlist is delivered to a media player device. The playlist of Applicant's invention, in direct contrast to the list recited in Van Stam, is not used as a basis to make recommendations to a user. The playlist of Applicant's invention is used by the media player device to play the media items referred to in the playlist.

For at least the foregoing reasons, Applicant submits that Van Stam fails to anticipate Applicant's claim 78, and that claim 78 is therefore allowable. Claims 79-88 are dependent claims based directly upon claim 78. As such, claims 79-88 are allowable for at least the same reasons set forth above with respect to claim 78. However, Applicant reserves the right to further address the rejection of claims 79-88 in the future, if necessary.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,
WITHROW & TERRANOVA, P.L.L.C.

By: 

Eric P. Jensen
Registration No. 37,647
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

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